

*These notes refer to the Human Tissue Act 2004 (c.30)  
which received Royal Assent on 15 November 2004*

# HUMAN TISSUE ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 3 - Miscellaneous and General

##### General

##### *Section 47: Power to de-accession human remains*

62. This section confers a power upon the bodies listed in *subsection (1)* ('listed institutions') to de-accession human remains.
63. *Subsection (2)* enables listed institutions to transfer human remains from their collections if it appears to them appropriate to do so for any reason whether or not it relates to their other functions. The power only applies to human remains which are reasonably believed to be of a person who died less than 1,000 years before this section comes into force.
64. *Subsection (3)* provides that if it appears to a listed institution that human remains are mixed or bound up with non-human material and it is undesirable or impracticable to separate them, the power to de-accession the human remains extends also to the associated non-human material. This has the effect of enabling artefacts such as mummies (where non-human material is integral to the human remains) to be de-accessioned intact. The provision does not extend to grave chattels that are buried with but are separate from human remains found in a grave.
65. *Subsection (4)* provides that the power contained in *subsection (2)* does not affect any trust or condition subject to which a listed institution may hold human remains.